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OCT 31 2006

Application No.: 09/481,153

Docket No.: HO-P01506US2

REMARKS

Non Compliance with 37 CFR 1.173(b)(2) and (c)

The claims have been amended to be in compliance with 37 CFR 1.173(b)(2) and (c). Below is the statement required under 37 CFR 1.173(c). Applicant respectfully submits that the amendment is now in compliance.

The reissue application was filed in order to correct certain claims that contain subject matter relating to an invention that was sold more than one year prior to the filing date of May 29, 1996.

On December 21, 1999 Applicant discovered that the invention of Fig.2 and claims 1-6 had been sold more than one year prior to the filing date. On that same date, Applicant filed in the Patent and Trademark Office Disclaimer disclaiming claims 1-6 of the '523 patent. (A copy of the transmittal letter, executed Disclaimer and return postcard was enclosed with the reissue application). Thus, the subject matter of claims 1-6 has been disclaimed from the '523 patent.

Upon further investigation, Applicant discovered that the invention of Fig. 5 also had been sold more than one year prior to the filing date. The subject matter of claim 15 of the '523 patent covers both the inventions of Figs. 3 and 5. The reissue application was filed in order to correct this unintentional error. The preliminary amendment filed concurrently with the reissue application included amendments to claims 7, 8, 9 and 15 and the addition of new claims 18-21.

The preliminary amendment filed concurrently with the reissue application amended independent claim 7 in order to replace the means-plus-function clause of "engaging means" with the language of "a securing mechanism extending between the upper surface of the top plate and the slot of the bottom plate". During prosecution of the reissue application, the limitations "in a wave zone of an offshore platform", "with the grating sheet, the securing mechanism configured to be secured only from a position on a top surface of the grating sheet", and "the grating sheet being attached to structural members in a wave zone area of an offshore platform" were included to overcome a 35 U.S.C. § 102(b) rejection of independent claim 7. Support for this language is found in Fig. 1 in the specification at column 3, lines 26-34; Figs. 3, 4A, and 4B in the specification at column 5, lines 49-67 and column 6, lines 25697174.2

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1-4; Figs. 6, 7A and 7B in the specification at column 6, lines 5-21, and Fig. 8 in the specification at column 7, lines 1-29. Additionally, independent claim 7 was amended in order to replace "the opening of the bottom plate" with the language "the bottom plate through the opening of the bottom plate", to replace "sized and shaped for attaching" with the language of "attached", and to replace "is able" with the language "said apparatus is configured" in accordance with the language proposed by the Examiner to overcome a 35 U.S.C. § 102(b) rejection of independent claim 7. Furthermore, independent claim 7 was amended in order to replace "a" with the language "the" to cure the improper antecedent basis of "wave-zone portion" and to replace "an" with the language "the" to cure the improper antecedent basis of "offshore platform area".

The preliminary amendment filed concurrently with the reissue application amended claims 8 and 9, which depend on independent claim 7, in order to conform the language of these claims with the language of amended claim 7.

The preliminary amendment filed concurrently with the reissue application amended independent claim 15 in order to remove the phrase "engaging means" which broadly covers the invention of Fig. 5 as well as Fig. 3. The means-plus-function clause "engaging means" was replaced with the language of "a threaded member extending from the bottom plate through an opening in the top plate for engagement with a threaded nut". The claim as amended covered a plate fastener that has an opening in the top plate and a threaded member that extends through the top plate opening. Support for this language is found in Figs. 1 and 3 and in the specification at column 5, lines 41-47 and column 7, lines 44-58. Claim 15 was cancelled during prosecution of the reissue application.

The preliminary amendment filed concurrently with the reissue application included new independent claim 18 in order to claim a plate fastener that allows for the attachment of top and bottom plates of a grating sheet of a platform. Independent claim 18 was amended during prosecution of the reissue application to overcome a 35 U.S.C. § 102(b) rejection of independent claim 18. Claim 18 includes a limitation not heretofore claimed in the '523 patent, a plate fastener that can be used to secure the grating sheet of an offshore platform to the offshore platform only from the top surface of the grating sheet of the platform rather than having a worker install the grating from below. Nor is the subject matter claimed in the corresponding continuation-in-part application that issued as U.S. Patent No. 5,911,664.

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Support for this language is found in Fig. 1 in the specification at column 3, lines 26-34; Figs. 3, 4A, and 4B in the specification at column 5, lines 49-67 and column 6, lines 1-4; Figs. 6, 7A and 7B in the specification at column 6, lines 5-21, and Fig. 8 in the specification at column 7, lines 1-29.

The preliminary amendment filed concurrently with the reissue application included new dependent claims 19-21. Dependent claims 19-21 included further limitations to independent claim 18. Claim 19 recites the combination of the top mounted plate fasteners of claim 18 with the elongated L-shaped connectors for providing fastening support for the grating sheets so as to resist vertical and horizontal wave pressures when secured to the mounting members. Support for this language is found in Fig. 2 in the specification at column 3, lines 66-67 and column 4, line 1. Claims 20 and 21 recite specific types of corrosion resistant material. Claims 20 and 21 were amended during prosecution of the reissue application. The limitation "of the grating sheets" was included in claim 20 in order to clarify which elements are formed of the corrosion resistant material. Claims 20 and 21 were amended to cure clerical errors by replacing "said" with the language "the". Support for this language is found in the specification at column 3, lines 36-40.

Claims 1-6 and 14-17 were cancelled during prosecution of the reissue application.

Applicant asserts that amended claims 7, 8, and 9, and new claims 18-21 satisfy the requirement of 35 U.S.C. § 251. The amended and new claims are described in the original patent specification and are enabled by the original patent specification such that 35 U.S.C. § 112 first paragraph is satisfied. Nothing in the original patent specification indicates an intent not to claim the subject matter of the claims presented in this reissue application. This reissue application was filed within two years from the grant of the original application.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Applicant respectfully asserts that all reissue requirements have now been met. Accordingly, the Examiner is respectfully requested to pass this application to reissue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. 09804782 from which the undersigned is authorized to draw.

Dated: October 31, 2006

Respectfully submitted,

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